



**PRESENT:**

Mr. Daniel A. Gecker, Chairman  
Mr. Russell J. Gulley, Vice Chairman  
Mr. Jack R. Wilson, III  
Mr. Sherman W. Litton  
Mr. F. Wayne Bass  
Mr. Kirkland A. Turner, Secretary to the Commission,  
Planning Director

**ALSO PRESENT:**

Mr. Glenn E. Larson, Assistant Director, Advance Planning  
and Research and Information Section, Planning Department  
Mr. Michael E. Tompkins, Assistant Director,  
Development Review Section, Planning Department  
Ms. Beverly F. Rogers, Assistant Director, Zoning and  
Special Projects Section, Planning Department  
Mr. Robert V. Clay, Planning and Special Projects Manager,  
Zoning and Special Projects Section, Planning Department  
Ms. Jane Peterson, Planning and Special Projects Manager,  
Zoning and Special Projects Section, Planning Department  
Ms. Darla W. Orr, Planning and Special Projects Manager,  
Zoning and Special Projects Section, Planning Department  
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,  
Zoning and Special Projects Section, Planning Department  
Mr. Carl D. Schlaudt, Planning Administrator,  
Development Review Section, Planning Department  
Mr. Theodor Barclay, Code Enforcement Supervisor,  
Code Enforcement Section, Planning Department  
Mr. Gregory E. Allen, Planning Administrator,  
Development Review Section, Planning Department  
Mr. Jeffrey H. Lamson, Senior Planner, Development  
Review Section, Planning Department  
Mr. Alan G. Coker, Senior Planner, Development  
Review Section, Planning Department  
Mr. Joseph E. Feest, Planning Administrator, Development  
Review Section, Planning Department

Ms. Amy Somervell, Senior Planner, Development  
Review Section, Planning Department  
Ms. Barbara L. Fassett, Planning Administrator, Advance Planning  
and Research Section, Planning Department  
Mr. James K. Bowling, Principal Planner, Advance Planning  
and Research Section, Planning Department  
Ms. Linda N. Lewis, Administrative Assistant, Administration  
Section, Planning Department  
Ms. Deanna D. Atkins, Administrative Secretary,  
Administrative Section, Planning Department  
Ms. Michelle L. Martin, Secretary, Administrative Section,  
Planning Department  
Mr. Jeffrey L. Mincks, Deputy County Attorney,  
County Attorney's Office  
Mr. David W. Robinson, Assistant County Attorney,  
County Attorney's Office  
Ms. Tara McGee, Assistant County Attorney,  
County Attorney's Office  
Mr. Allan M. Carmody, Director,  
Budget and Management Department  
Mr. R. John McCracken, Director,  
Transportation Department  
Mr. Stan B. Newcomb, Principal Engineer,  
Transportation Department  
Mr. Steven E. Simonson, Senior Engineer,  
Transportation Department  
Mr. Jesse Smith, Senior Engineer,  
Transportation Department  
Mr. Richard M. McElfish, Director,  
Environmental Engineering Department  
Mr. Scott Flanigan, Water Quality Manager,  
Environmental Engineering Department  
Mr. William Wright, Assistant Director,  
Administration-Development, Utilities Department  
Mr. Randolph Phelps, Senior Engineer,  
Utilities Department  
Lieutenant Frank X. Nause III,  
Fire Marshal, Fire Department  
Dr. Mike Etienne, Communications Specialist,  
Planning Department, School Administration

### **ASSEMBLY AND WORK SESSION**

Messrs. Gecker, Gulley, Wilson, Litton, Bass and staff assembled at 12:00 p. m. in the Multipurpose Meeting Room (1<sup>st</sup> Floor) of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA, for lunch and a work session to discuss the following:

- I. **Requests to Postpone Action, Emergency Additions, Changes in the Order of Presentation and Dinner Location Selection.**

- II. Review **Upcoming Agendas**. (Any rezonings or conditional uses scheduled for future meetings.)
- III. Review **Day's Agenda**. (Any items listed for the 3:00 p.m. and 7:00 p.m. Sessions.)
- IV. **Work Program – Review and Update.**
- V. **Proposed Code Amendment** relative to **Neo-Traditional Zoning.**
- VI. **Proposed Code Amendment** relative to **Residential (R-5) Zoning.**
- VII. **Swift Creek Reservoir Master Plan and Maintenance Program Update.**
- VIII. **Impact Fee Road Improvement Plan, Comprehensive Plan Amendment and Impact Fee Ordinance.**
- IX. **Proposed Code Amendment** relative to **Vehicle Parking in Front Yards in Residential Districts.**
- X. **Utilities Department Presentation** relative to **Developer Participation in Infrastructure Improvements to Provide Water Storage.**
- XI. **Proposed Code Amendment** relative to **Inclusion of Virginia Department of Transportation (VDOT) Review for Processing of Subdivision Plats and Site Plan.**
- XII. **Proposed Code Amendment** relative to **Farm Wineries.**
- XIII. **Recess.**

**I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission amended the agenda to reorder Item VII, *Swift Creek Reservoir Master Plan and Maintenance Program Update* as Item V; to reorder Item V., *Proposed Code Amendment relative to Neo-Traditional Zoning* as Item VII; add new item XIII, Information regarding the October 2, 2007, Citizens Meeting relative to the *Upper Swift Creek Plan* and Implementing Ordinances; and to reorder the remaining agenda accordingly.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **DINNER LOCATION SELECTION.**

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to meet for dinner at Riptides Seafood Restaurant at 5:00 p. m.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**II. REVIEW UPCOMING AGENDAS.**

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of October, November and December 2007.

**III. REVIEW DAY'S AGENDA.**

Messrs. Tompkins, Allen and Feest presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Public Meeting.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 7:00p. m. Public Meeting and Hearing.

#### **IV. WORK PROGRAM.**

There being no additions, deletions or revisions to the Commission's Work Program, the Commission reviewed and accepted the October 2007 Work Program, as presented.

#### **V. SWIFT CREEK RESERVOIR MASTER PLAN AND MAINTENANCE PROGRAM UPDATE.**

Mr. McElfish stated that staff would be bringing forth draft ordinances regarding the decrease of impervious and increase of pervious areas pertaining to the *Upper Swift Creek Reservoir Master Plan and Maintenance Program* at the 10/16/07 Work Session for discussion.

#### **VI. PROPOSED CODE AMENDMENT RELATIVE TO RESIDENTIAL (R-5) ZONING.**

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission deferred consideration of the proposed Code Amendment relative to Residential (R-5) Zoning to the January 15, 2008, Planning Commission Work Session.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

#### **VII. PROPOSED CODE AMENDMENT RELATIVE TO NEO-TRADITIONAL ZONING.**

Mr. Tompkins presented an overview of the proposed Code Amendment relative to Neo-Traditional Zoning, highlighting various elements of the proposal pertaining to the purpose and intent of the district; definitions; uses permitted by right, accessory uses, uses with certain restrictions, conditional uses and special exceptions; application procedures and approval processes; rezoning application requirements; development plan review processes; site plan and subdivision plan review processes; and general design standards and guidelines.

Upon conclusion of discussion, it was on motion of Mr. Bass, seconded by Mr. Gulley, that the Commission set the date of, and requested staff take the necessary steps to advertise, October 16, 2007, at 7:00 p. m., in the Public Meeting Room of the Chesterfield Administration Building, for a public hearing to consider amendments to the County's Comprehensive Plan and Zoning Ordinance that would establish a Traditional Neighborhood Development Mixed Use (TND-MU) Zoning District.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

#### **VIII. IMPACT FEE ROAD IMPROVEMENT PLAN, COMPREHENSIVE PLAN AMENDMENT AND IMPACT FEE ORDINANCE.**

Mr. Jeff Mincks, Deputy County Attorney, presented an overview of a 2007 General Assembly legislative amendment pertaining to road needs and impact fees, including information relative to typical road construction costs; Chesterfield County Secondary Road allocations and Interstate/Primary allocations; total un-built cash proffer lots; total un-built impact fee lots; the road cash proffer component for 1990-2006; the cumulative promised/collected cash proffer for 1989-2007; requirements of the 2007 Impact Fee Legislation; and other elements of the proposal.

There was discussion relative to the proposed *Impact Fee Road Improvement Plan*, Comprehensive Plan amendment and/or Impact Fee Ordinance; an accompanying map depicting road needs projected twenty

(20) years; the methodology explaining the calculation of impact fees; assumptions outlined relative to the proposed ordinance; imposition of impact fees on residentially-zoned property; impact fee service area encompassing the entire County; exemption from payment of impact fees for property for which cash proffers or CDS/service district funds will be paid for transportation improvements; appeal process of an impact fee calculation; notification of only those landowners legally required to be notified and/or notification of all affected landowners; and other issues of concern.

Upon conclusion of the discussion, it was on motion of Mr. Gulley, seconded by Mr. Wilson, that the Commission set the date of, and requested staff take the necessary steps to advertise, October 16, 2007, at 7:00 p. m., in the Public Meeting Room of the Chesterfield Administration Building, for a public hearing to consider an ordinance relating to the establishment of a system of transportation impact fees to fund and recapture the cost of providing reasonable road improvements; consideration of changes to the County's Comprehensive Plan relating to the proposed impact fee program; and adoption of an *Impact Fee Road Improvements Plan*; and further, the Commission requested that written notice be sent to affected property owners.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**IX. PROPOSED CODE AMENDMENT RELATIVE TO VEHICLE PARKING IN FRONT YARDS IN RESIDENTIAL DISTRICTS.**

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission tabled the proposed Code Amendment relative to vehicle parking in front yards in residential districts until the January 15, 2008, Planning Commission meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**X. UTILITIES DEPARTMENT PRESENTATION RELATIVE TO DEVELOPER PARTICIPATION IN INFRASTRUCTURE IMPROVEMENTS TO PROVIDE WATER STORAGE.**

Mr. Bill Wright presented an overview of a Utilities Department's position statement relative to water storage, noting the impact significant developments have on the public water system storage capacity had not been fully appreciated/addressed in the past. He stated the purpose of the position statement was to identify the rationale and provide guidance for proposed development contributing to the cost of construction of new water storage facilities and asked the Commission's support in future efforts in obtaining proffered conditions from developers to pay for the cost of constructing water storage facilities.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**XI. PROPOSED CODE AMENDMENT RELATIVE TO INCLUSION OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) REVIEW FOR PROCESSING OF SUBDIVISION PLATS AND SITE PLAN.**

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission set the date of, and requested staff take the necessary steps to advertise, November 20, 2007, at 7:00 p. m., in the Public Meeting Room of the Chesterfield Administration Building, for a public hearing to consider a proposed Code Amendment relating to submission of subdivision plats and site plans to state agencies and the deadlines for the County to act on such plats and plans.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**XII. PROPOSED CODE AMENDMENT RELATIVE TO FARM WINERIES.**

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission set the date of, and requested staff take the necessary steps to advertise, November 20, 2007, at 7:00 p. m., in the Public Meeting Room of the Chesterfield Administration Building, for a public hearing to consider a proposed Code Amendment relating to the regulation of farm wineries.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**XIII. INFORMATION REGARDING THE OCTOBER 2, 2007, CITIZENS MEETING RELATIVE TO THE UPPER SWIFT CREEK PLAN AND IMPLEMENTING ORDINANCES.**

Mr. Turner provided information to the Commission relative to a meeting scheduled on Tuesday, October 2, 2007, in the Chesterfield County Administration Building Public Meeting Room to take citizen comment on the draft *Upper Swift Creek Plan* Amendment and associated draft Ordinance Amendments.

**XIV. RECESS.**

There being no further business to discuss, the Commission recessed at 2:25 p. m., agreeing to reconvene in the Multipurpose Room at 3:00 p. m. for the public meeting.

**3:00 P. M. PUBLIC MEETING**

Mr. Gecker, Chairman, called the meeting to order at 3:00 p. m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Customer Service Building.

**I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission amended the agenda to reorder Case 07TS0163, Andrew Gibb (Queens Gate), as the first case on the agenda.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**II. REVIEW MEETING PROCEDURES.**

Mr. Turner reviewed the meeting procedures for consideration of site plans, tentative subdivision approvals and appeals.

**III. APPROVAL OF PLANNING COMMISSION MINUTES.**

Mr. Turner stated that the first order of business would be the consideration of the August 21, 2007, Planning Commission minutes.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to approve the August 21, 2007, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

#### IV. CONSIDERATION OF THE FOLLOWING REQUESTS:

##### ◆ CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.

**07TS0163:** In Midlothian and Matoaca Magisterial Districts, **ANDREW GIBB** requested tentative subdivision approval of 125 single family lots. This development is commonly known as **QUEENS GATE**. This request lies in Residential (R-7 and R-15) and Corporate Office (O-2) Districts on a 79.21 acre parcel fronting approximately 2,500 feet on the south line of Coalfield Road, also fronting approximately 2,500 feet on the north line of Lucks Lane. Tax IDs 727-698-7803; 728-697-2424; 729-696-0058; and 731-696-2505 (Sheets 9 and 10).

Ms. Malia O'Connell Flatt, the applicant's representative, accepted staff's recommendation, presented a brief overview of the request and asked the Commission to approve the proposal.

Mr. Gecker opened the discussion for public comment.

Ms. Marie Strack; Mr. Jim Davenport; Mr. Lee Hall; Ms. Nicole Vanderslice; Mr. James Maloney; Mr. Robert Palmer; Mr. Richard Hale; Mr. Bill Heipp; and Mr. George Strack, area residents and/or adjacent property owners; and Mr. Sean Sandridge, an area resident and President of the Queensmill Homeowners Association, opposed the request, citing concerns relative to density; increased traffic volumes and cut-through traffic that would generate congestion and create safety, noise and quality of life issues for neighborhood children and adults and compromise/adversely affect property values.

Mr. Bill Johns, a resident of Coalfield Road and engineer for the project, stated the applicant had worked diligently to address area residents' concerns, particularly the sound attenuation issue and asked the Commission to consider approval of the proposal.

Ms. Flatt stated she appreciated the Queensmill residents' concerns but stated the applicant had worked diligently to address/satisfy the area residents' concerns and should not be penalized for the existing development in the area.

There being no one else to speak, Mr. Gecker closed the public comment.

In response to questions from the Commission, Mr. Newcomb addressed concerns/answered questions relative to alternative designs for connectivity, anticipated average daily vehicular trips that would be generated by the proposed development; and other issues of concern.

Mr. Bass stated, although he had concerns relative to access to Lucks Lane, he concurred with Mr. Johns; felt the applicant had worked diligently to resolve the issues of concern; and agreed with staff's recommendation for approval.

Mr. Gecker stated he agreed that the applicant had worked diligently to address/resolve the area residents' concerns; that he did not believe the applicant's proposal, to reduce the 200 foot setback to 150 feet and construct a fifteen (15) foot high berm for noise attenuation within the limits of the proposed development and adjacent to the Route 288 mainline right-of-way, would be sufficient to mitigate the noise intrusion that

would affect the quality of life of existing and/or future area residents; and based solely on the noise issue he could not support the request.

Mr. Wilson stated he could not support the request based on the applicant's proposal to reduce the setback from 200 feet to 150 feet.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to deny tentative subdivision plat approval for Case 07TS0163, Andrew Gibb (Queens Gate).

AYES: Messrs. Gecker, Gulley and Wilson.

NAYS: Mr. Bass.

ABSTENTION: Mr. Litton.

◆ **DEFERRAL REQUESTS BY APPLICANTS.**

**08TS0105:** In Midlothian Magisterial District, **TONY AND KATHRYN LUCAS AND OLD GUN ROAD PROPERTIES** requested deferral to October 16, 2007, for consideration of a tentative subdivision consisting of twenty (20) single family residential lots. This project is commonly known as **THE PRESERVE AT OLD GUN**. This request lies in a Residential (R-40) District on a 48.02 acre parcel fronting approximately 625 feet on the west line of Old Gun Road. Tax IDs 735-721-2025, 736-721-6540 and 736-722-5574 (Sheet 02).

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 08TS0105 to the October 16, 2007, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 08TS0105, Tony and Kathryn Lucas and Old Gun Road Properties, to the October 16, 2007, Planning Commission meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**06TS0211:** In Dale Magisterial District, **PATRICK CONSTRUCTION** requested deferral to November 20, 2007, for consideration of tentative subdivision approval of seventy-eight (78) single family lots and a waiver to Section 17-76(1) to allow seventy-eight (78) lots on one (1) local street access. This project is commonly known as **AUTUMN GROVE (FORMERLY AUTUMN LEAF)**. This request lies in a Residential (R-12) District on a 35.37 acre parcel lying approximately 1,700 feet on the west line of Stonebridge Subdivision (Sections 3 and 4), also fronting approximately fifty (50) feet on Koufax Drive and located at the terminus of Koufax Drive. Tax ID 774-678-9980 (Sheet 17).

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 06TS0211 to the November 20, 2007, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.



On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 06TS0211, Patrick Construction (Autumn Grove (Formerly Autumn Leaf)), to the November 20, 2007, Planning Commission meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

♦ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

**07TS0408:** In Dale Magisterial District, **DLM, LLC** requested a tentative subdivision consisting of 217 single family residential lots. This development is commonly known as **WATERMARK PHASE II**. This request lies in a Residential (R-7) District on a 134.97 acre parcel lying approximately 2,100 feet off the west line of Iron Bridge Road, also fronting approximately 250 feet on the east line of Cogbill Road and fronting approximately 450 feet on the south line of Kingsland Glen Drive. Tax IDs 768-677-Part of 7506, 769-675-2064, 769-677-9949 and 770-676-Part of 9502 (Sheet 17).

Mr. Wilson declared a conflict of interest pursuant to the Virginia Conflict of Interest Act, noting his firm represented the applicant in matters other than zoning and indicated he would not participate in the discussion or vote.

Mr. Dan Jameson, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved that tentative subdivision approval for 217 single family lots and approval of the alignment of the east/west major arterial as shown on the proposed tentative, for Case 07TS0408, DLM, LLC (Watermark Phase II), shall be and it thereby was granted, subject to the following conditions and review notes:

**CONDITIONS**

1. Per Section 8-4 of the Erosion Control Ordinance, prior to the issuance of a Land Disturbance Permit, the Environmental Engineering Department shall require copies of applicable correspondence from the USACOE so that it may be determined that all wetlands permits have been received. (EE)
2. To provide for adequate drainage and protection of home sites, the following shall be accomplished:
  - a. Design centerlines of road profiles shall be a minimum one (1) foot below existing grade and/or the drainage design shall provide each lot with a minimum one (1) percent gradient from the lowest and/or most remote point within the lot to an adequate receiving outfall as determined by the environmental engineer.
  - b. Crawlspace elevations shall be constructed a minimum of one (1) foot above original ground unless a qualified professional determines that adequate drainage can be obtained by other methods. Lots required to have elevated crawlspaces

shall be shown on the construction plans and so noted on final check and record plats.

- c. Side yard swales or other drainage improvements may be required on lots by the Environmental Engineering Department during construction plan review.
  - d. As applicable, the minimum-floor elevation for all lots will be designated at one (1) foot above the controlling road sag. (EE)
3. Any timbering that is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion and sediment control plan narrative and will not commence until the issuance of a land disturbance permit for subdivision construction and proper installation of erosion control measures. (EE)
  4. The USACOE jurisdictional wetlands shall be shown on the construction plans and subdivision plat. (EE)
  5. The subdivider shall post signs demarking the limits of the RPA so builders and homeowners may be informed as to the limitations imposed on these areas. Specific plans for the exact number and placement of the signs shall be approved by the Environmental Engineering Department. (EE)
  6. The erosion and sediment control plan for the project shall call for the placement of polyethylene fence or its equivalent in accordance with STD & SPEC 3.01. (EE)
  7. The floodplain as shown on the approved construction plans and the recorded subdivision plat shall be the result of hydrologic and hydraulic engineering methods and assumptions that are approved by the Environmental Engineering Department. (EE)
  8. The achievement of adequate surface drainage on lots will be the responsibility of the subdivider. The subdivider shall comply with Sec. 17-24(f) of the Subdivision Ordinance. (EE)
  9. Unless otherwise approved by the Environmental Engineering Department, Watermark Lake will be retrofitted to achieve a minimum shallowness of three (3) feet, to establish forebays in locations to be determined at the time of construction plan review and a mechanical de-watering device (Sluice Gate) placed on the principal spillway. (EE)
  10. The Resource Protection Area (RPA) for Watermark will be as shown on sheet RPA-1 "Watermark" "Chesapeake Bay Preservation Areas" revised dated June 14, 2006. (EE)
  11. Prior to the issuance of a land disturbance permit, the project must be in compliance with the CBPA or all prerequisites for the Watermark BMP to become official shall have been achieved. (EE)
  12. Forty-five (45) feet of right of way, measured from the centerline of Cogbill Road, shall be dedicated along the entire property frontage, free and unrestricted, in conjunction with recordation of the first section of this tentative. (T)

13. The ditch line shall be relocated across the entire property frontage on Cogbill Road to provide an adequate shoulder in conjunction with construction of the first section of this tentative. (T)
14. Ninety (90) feet of right of way for the east/west major arterial shall be dedicated within the limits of this tentative in conjunction with recordation of the first section of this tentative. (T)
15. The ninety (90) foot east/west major arterial shall be constructed to VDOT Urban Minor Arterial Standards, 50 mph design speed, within the limits of the Watermark Phase II tentative, in conjunction with road construction of the first section of this tentative as determined by Transportation. This construction shall include additional pavement for left and right turn lanes on the ninety (90) foot east/west major arterial at Crosswinds Boulevard. (T)

#### REVIEW NOTES

- A. Hydrant requirements and locations shown on the tentative plan may not be acceptable. Hydrant(s) required and their location will be evaluated at the time of construction plan review. (F)
- B. When submitting the construction plans, provide an additional copy to go to the Fire Department for review. (F)
- C. Compliance with 17-76 of the Subdivision Ordinance in the Chesterfield County Code shall be maintained. (F)
- D. In conjunction with the submittal of the final check plat, flag all buffers and contact the Planning Department to schedule an inspection of the same. Buffers must comply with section 17-70 of the Subdivision Ordinance. (P)
- E. A fifty (50) foot buffer exclusive of required yards and easements is required adjacent to Cogbill Road. (P)
- F. On construction plans insert instructions for installation of tree protection fencing or tape for buffers (P)
- G. The Environmental Engineering Reference Manual requires that minimum floor elevations on homes be a minimum of one (1) foot above the sag elevation on the upstream side of a road backwater. This policy will apply to the road sag of Ironbridge Road (Route 10). (EE)
- H. With reference to Condition #10, Sec. 17-24(f) concludes with this sentence: The sale of the lot(s) does not absolve the subdivider from this responsibility prior to state acceptance of streets, or for a period of one (1) year after the streets are taken into the state system. (EE)
- I. The engineer is to design the on-site sewer line for Phase 2 which ties into Phase 1 such that it can serve all adjacent properties located south of the boundary line of Watermark

Phase 1 and 2 and are within the limits of the drainage area of the existing trunk sewer line within Watermark Phase 1. (U)

- J. It will be the responsibility of the subdivider to make certain, by whatever means necessary, (i.e., on-site water line looping or off-site water line extensions, etc.) that the proposed project, as well as the pressure zone the project is located within, complies with the Chesterfield County Fire Department's required fire flow of 1,000 gpm at 20 psi residual. (U)
- K. This office may require redesign or modifications to the proposed sewer layout, as shown on the tentative plan, once the field work and final design has been completed by the engineer and shown on initial construction plan submittal for review and approval. (U)
- L. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the developer. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained right of way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (VDOT)
- M. Any requirements of the Subdivision Ordinance adopted by Chesterfield County that are equal to or greater than 2005 SSR provisions including listing of documents incorporated in 24 VAC 30-91-160 are VDOT requirements in Chesterfield County and govern unless Chesterfield County concurs with an exception to their higher standards. (VDOT)
- N. All right of way widths as shown are preliminary and should be so noted. Actual widths shall be determined by roadway design as stipulated in Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)
- O. The design of any/all proposed landscape embellishments (i.e., landscaping, hardscaping, signage, lighting, irrigation, fencing, etc.) to be installed within state maintained rights of way must be submitted to VDOT for review as separate submittal under Permit Process. VDOT approval of said plan shall be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to state acceptance. (VDOT)
- P. All roads to be designed and constructed per current VDOT standards and specifications. (VDOT)
- Q. The construction of transportation improvements on roadways which are defined as arterials or collectors in Chesterfield County's Thoroughfare Plan, and all internal roads requires the implementation of a comprehensive inspection program to insure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one (1) of the following options:
  - a. The applicant may retain the services of a licensed geotechnical engineer to perform the required inspection and testing; or,

- b. The applicant may request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing.

Either option a. or b. may be used for each category of road at the preference of the developer. (VDOT)

- R. The design of private entrance access along curb and gutter streets shall be in accordance with Appendix B of the 2005 SSR. (VDOT)
- S. The design and construction of any pedestrian facilities for the proposed VDOT maintenance shall be in accordance with Appendix B of the 2005 SSR. (VDOT)
- T. Right of way shall be extended at least one (1) foot behind any feature to be maintained by VDOT as stipulated in Appendix B of the 2005 SSR. (VDOT)
- U. Performance of the control structure and dam performance for the existing lake shall be checked in comparison with Before and After conditions, based on design criteria, including 10, 25, 50, and 100 year storm frequencies, established by Division of the Dam Safety and Floodplain Management, DCR. Such computations shall be submitted to VDOT for review and possible approval, depending on findings. Modifications may be required to the dam and control structure to meet possible DCR reclassification which is likely to be at least small Class II, per Table 1 of the Dam Safety regulations. (VDOT)
- V. The design and construction of a right and left turn lane shall be required if it meets VDOT warrants on all intersections with Crosswinds Boulevard. (VDOT)
- W. Only one (1) curb and gutter design may be used along the length of a street, as per 24VAC 30-91-110. (VDOT)
- X. A forty-five (45) foot edge of pavement radius turnaround is required at the cul-de-sac on Whisperwood Drive and Crosswinds Drive, per Appendix B of the 2005 SSR. A minimum fifty-four (54) foot right of way radius is required to accommodate the enlarged turnaround at these locations. (VDOT)
- Y. Sanitary sewer manholes as shown are preliminary and should be so noted. Actual locations of utility manholes shall be shown on construction plans and in accordance with Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)

AYES: Messrs. Gecker, Gulley, Litton and Bass.  
ABSTENTION: Mr. Wilson.

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

**04PR0391:** In Midlothian Magisterial District, **SMITH PACKETT MED-COM, INC.** requested Planning Commission approval of an adjustment to a site plan previously approved through administrative review. This project is commonly known as **THE CROSSINGS AT BON AIR**. This request lies in Residential (R-7) and Community Business (C-3) Districts on a 17.6 acre parcel fronting approximately 600 feet on the north

line of Midlothian Turnpike also fronting approximately 400 feet on North Pinetta Drive. Tax IDs 753-706-7209 and 9512, 754-705-0490 and 5275, 754-706-1128 and 3718 (Sheets 6 & 7).

Mr. Allen presented an overview of the request and staff's recommendation for denial, noting that among revisions to the previously approved plan, the applicant was proposing to revise a previously approved twenty-four (24) foot wide gated access limited to emergency vehicles to a forty (40) foot wide fully open entrance which would connect to Route 60. He stated that, due to traffic safety concerns, staff recommended denial of the site plan through an access currently serving the adjacent U.S. Post Office and an office building.

Mr. William Shewmake, the applicant's representative, did not accept staff's recommendation; addressed issues of density/intensity of the project; indicated the applicant was willing to proffer a condition that the medical office building would not exceed 15,000 square feet; and asked that, based on the lessened density and minimal impact the proposed use would have on traffic, the Commission approved the request.

Mr. Gecker opened the discussion for public comment.

The representative for Nurse Finders, an adjacent property owner, supported the request citing mutual interests and the benefits that dual access through the site would provide all parties involved.

There being no one else to speak, Mr. Gecker closed the public comment.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved that site plan approval of an adjustment to a site plan previously approved through administrative review, with all appropriate review comments not relating to access being met, for Case 04PR0391, Smith Packet Med-Com, Inc. (The Crossings at Bon Air), shall be and it thereby was granted, subject to the following review comments:

#### REVIEW COMMENTS

1. VDOT cannot support this proposed increased usage of the Route 60 entrance, due to operational and safety concerns raised by the proximity of the access to the Powhite Parkway off-ramp and to the signalized intersection of Route 60 and Pinetta Road. The original intent in allowing the site to connect to the driveway was to provide only emergency service to the site to reduce these problems. (VDOT)
2. The change in use of the entrance and the increase in traffic at the entrance introduce the need to meet minimum VDOT standards, which are not currently met. The separation between entrance and intersection is less than the required length of 400 feet, to allow full right turn lane to the intersection. The site's projected traffic may also create the need for a separate right turn lane into the Route 60 site entrance. (VDOT)
3. The developer shall submit a traffic study for VDOT review and approval showing the entrance can operate as proposed without causing interference to the Powhite Parkway movements or to normal intersection operations. The study should include the projected site traffic expected to utilize the entrance, a merging/diverging analysis at the ramp area to the intersection, an accident analysis within the area and a right turn lane analysis into the site. Unless the approved study shows the entrance can operate successfully, VDOT cannot support unrestricted access. (VDOT)

4. Provide a revised VDOT subdivision and site construction plan submittal checklist. Provide a description of the modification to the existing plan. (VDOT)
5. Differentiate the existing and proposed land uses on the plan as well as the existing and proposed infrastructure. (VDOT)
6. Update the VDOT subdivision and site construction general notes to the current revision dated January 1, 2007. Ensure all ascribed VDOT references are current. (VDOT)
7. Update the intersection sight distance measurements to demonstrate accordance with current requirements to include a 3.5 foot height of eye and 3.5 foot height of object. (VDOT)
8. Provide computations to demonstrate the adequacy of the existing stormwater system to accommodate the additional run-off produced by the site. (VDOT)
9. The access to Route 60 must be gated to permit emergency vehicles only. (T)
10. Gate detail is shown on plan, however the placement location of the gate needs to be marked on plan. (F)
11. Provide the details for the automatic sprinkler system run-in and stub up, including all applicable notes. See: <http://www.chesterfield.gov/publicsafety/fire/plans.asp> for a copy of the details (F)
12. The independent living/assisted living building requires only 1 meter. Revise the plans to show only 1 1.5" meter for the building. (U)
13. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or state permits in relationship to environmental features including but not limited to "wetlands, surface waters (e.g. VPDES permit for construction sites of 1 acres or more, ground water and air quality". Final approval of these plans will not relieve you of your responsibility. (EE)
14. It is the responsibility of the owner to obtain an "approved for construction" stamp on two additional sets for the owner to keep on site. (EE)
15. The stormwater/B.M.P. facility must be certified by a professional engineer prior to issuance of any occupancy certificates. (EE)
16. Prior to issuance of a building permit, a revised diskette/CD, the format of which shall be Autocad.dwg or dxf, must be submitted to Virginia Barbour of Environmental Engineering. The diskette/CD must contain the following, each in a separate layer:
  - a. Final grading contour lines (5' intervals);
  - b. Proposed building footprint;
  - c. All impervious area (parking lots, driveways, roads, etc); and
  - d. The storm sewer system.

A layer report printed from Autocad must be submitted with the diskette/CD. Both the diskette/CD and the report must be labeled with the site plan name, site plan number, and the engineering firm. All Autocad files must be referenced directly to the Virginia State Plane Coordinate System, South Zone, in the NAD83 Datum. (EE)

17. Put a revision date on the resubmitted plans. Resubmit 10 full sets and one copy of the site plan sheet to the Planning Department for your next review. Use the spaces below each comment to describe how you have addressed each review comment. Be sure to indicate which sheets show the required changes. Provide a transmittal letter to describe any changes to the plans not caused by the staff review comments. A \$480.00 review fee applies to each additional submittal. (P)
18. Revise the plans so that the entrance and drive to the below grade parking is at least 22 feet wide per Sec. 19-514(b)(2). (P)
19. Provide revised landscape and lighting plans for the revised site plan. (P)
20. Provide revised architectural drawings showing that the through the wall units are finished to match the color of the background wall and roof vents painted to match the roof color. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**08PR0157:** In Bermuda Magisterial District, **RODGER BARTLETT** appealed the decision of the Director of Planning to approve site plan 08PR0125, Chester Presbyterian Church Parking Lot Expansion. This development is commonly known as **CHESTER PRESBYTERIAN CHURCH**. This request lies in a Residential (R-7) District on a 4.3 acre parcel fronting approximately 566 feet on the north line of West Hundred Road, also fronting approximately 362 feet on the east line of Osborne Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 793-656-7618, 8532 and 9037; and 794-656-0200.

Mr. Jeff Lamson present an overview of the request and staff's recommendation that the decision of the Director of Planning to approve site plan 08PR0125 be upheld.

Mr. Rodger Bartlett, the appellant, requested deferral of Case 08PR0157 to the October 16, 2007, Planning Commission meeting.

After a brief discussion in response to Mr. Bartlett's request for deferral, staff indicated the time frame within which the appeal process must be completed would be exceeded if a deferral were granted.

Mr. Bartlett stated he was appealing the decision of the Director of Planning approving the site plan, contending that his house drain, which was connected to an eighteen (18) inch concrete pipe located in the private drainage easement, currently backed up during heavy rain events and that the backups could be attributed to a failure of the church's existing storm sewer system. He stated he was currently, and had since 1980, used the same drain pipe to discharge drainage from his home; that the current usage of the drain resulted in backups and allowing additional flow would only worsen the situation; that heavy and/or excessive rain also resulted in pooling of water onto the parking lot and his property causing mosquito infestation; and that he had allowed the church to utilize the drain pipe even though there was no legally recorded easement allowing them to do so. He noted his neighbor also experienced the same runoff



and/or backup drainage problems that he did and asked that the problem be corrected. He further noted he was willing to verbally agree to the church's continued use of the drain pipe but would not agree to any written agreement. He questioned the validity of a private drainage easement agreement between the church and himself and referenced a document from the Commonwealth of Virginia's Governor's Office which he indicated voided any such agreement. He further indicated that, if the church could prove they had a legally recorded easement across his property, he had no issue with them installing a pipe across his property.

Mr. Gecker opened the discussion for public comment.

Mr. Brennen Keene, a member of and attorney representing the Chester Presbyterian Church, stated the issue before the Commission was whether or not the site plan met the required criteria, not the validity of the private drainage easement agreement between the church and the appellant; that any disputes concerning the validity of the easement between the two parties was a legal issue which could best be resolved in the courts; and that, although he was not aware that an Engineering Study on the property had been performed, he was willing to discuss other alternatives to resolving the issue.

Mr. Scott Dunn, representing the County Environmental Engineering Department, stated a recent site inspection by the County Drainage Superintendent indicated the existing stormwater conveyance system appeared to be working as designed; that no evidence of system failure was visible on the ground surface, at the drainage inlet in the church parking lot or within the public drainage easement; that while there was visible evidence of surface drainage from the appellant's property onto the church parking lot, the cause of the run-off, whether simply surface run-off from appellant's property or other reason, could not be determined at the time; and that an inspection of the appellant's property had not been performed as a screen fence between the two (2) properties blocked views of the conditions of the home site.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Wilson stated he understood and appreciated concerns regarding the validity of the easement agreement; however, such an issue was not within the purview of the Commission to remedy.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to uphold the decision of the Director of Planning to approve site plan 08PR0125, Chester Presbyterian Church Parking Lot Expansion and to deny the appeal for Case 08PR0157, Rodger Bartlett.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

## **V. RECESS.**

There being no further business to come before the Commission, the Commission recessed the Afternoon Session at approximately 4:20 p. m., agreeing to meet at Riptides Seafood Restaurant at 5:00 p. m. for dinner.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

## **6:00 P. M. PUBLIC MEETING AND HEARING**

Mr. Gecker, Chairman, called the meeting to order at 6:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building in the Government Center Complex.

**I. INVOCATION.**

Mr. Gulley presented the invocation.

**II. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.**

Members of Boy Scout Troop 891 from the Bon Air United Methodist Church led the opening/closing flag ceremony and recited the Pledge of Allegiance to the Flag and the Boy Scout oath.

**III. REVIEW AGENDAS FOR UPCOMING MONTHS.**

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months, noting there were twenty-six (26) cases scheduled on the October 16, 2007, agenda; eight (8) cases scheduled on the November 20, 2007, agenda; and no cases scheduled on the December 18, 2007, Planning Commission meeting agenda.

**IV. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

It was the consensus of the Commission to reorder Case 05SN0239, The Cheatham Family Limited Partnership from Item XIII., Rezoning and Conditional Uses – Other to Item X., Deferral Requests by Individual Planning Commissioners – Rezoning and Conditional Use to follow Case 07SN0333, Chesterfield County Board of Supervisors.

**V. REVIEW MEETING PROCEDURES.**

Mr. Turner reviewed the meeting procedures for rezonings, conditional uses and code amendments.

**VI. CITIZEN COMMENT ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE.**

There were no citizen comments on unscheduled matters involving the services, policies and affairs of the County government regarding planning or land use.

**VII. CONSIDERATION OF THE FOLLOWING REQUESTS:**

◆ **REQUESTS FOR DEFERRALS BY APPLICANTS.**

**07SN0340:** In Matoaca Magisterial District, **FRANCIS BEERS** requested deferral to November 20, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 250.1 acres fronting in two (2) places for approximately 320 feet on the west line of Qualla Road and lying at the northern termini of Springhouse Drive and Belcherwood Road. Tax IDs 740-667-8769; 741-669-3736; 743-668-1461; and 744-668-7309.

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 07SN0340 to the November 20, 2007, Planning Commission public hearing.

Mr. Gecker opened the discussion for public comment.

Mr. Steve Drayer, representing Bayhill Point Subdivision, supported the deferral.

In response to Mr. Drayer's request, approximately 100 persons stood in support of the deferral.

There being no one else to speak, Mr. Gecker closed the public comment.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0340 to the November 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0341:** In Bermuda Magisterial District, **ACQUISITIONS PLUS LLC** requested deferral to November 20, 2007, for consideration of rezoning and amendment of zoning district map from Light Industrial (I-1) and Residential (R-7) to Residential Townhouse (R-TH). Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.5-4 units per acre. This request lies on 16.9 acres fronting approximately 920 feet on the north and south lines of Gayland Avenue approximately 600 feet east of Jefferson Davis Highway. Tax IDs 792-678-1855, 2312, 2756, 3614, 3859, 4762, 5018, 5765, 6322, 6667, 7626, 7770, 8673 and 9532; and 793-678-0077.

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 07SN0341 to the November 20, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0341 to the November 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0357:** In Midlothian Magisterial District, **HOWARD AND DIANE CANADA** requested deferral to November 20, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) of 6.8 acres plus proffered conditions on an existing zoned Residential (R-12) 0.5 acre tract. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 7.3 acres fronting approximately 690 feet on the north line of Old Buckingham Road approximately 200 feet east of Unison Drive and located at the eastern terminus of Little Pond Lane. Tax IDs 734-710-6379, 7448 and 7726; and 735-710-0037.

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 07SN0357 to the November 20, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0357 to the November 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0383:** In Bermuda Magisterial District, **ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY OF CHESTERFIELD** requested deferral to October 16, 2007, for consideration of amendment of Conditional Use Planned Development (Case 96SN0203) and amendment of zoning district map relative to building height and buffers. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies in a General Industrial (I-2) District on 1,235.0 acres fronting the east line of I-295, the north line of Bermuda Hundred Road and the west line of North Enon Church Road. Tax IDs 819-657-7858; 819-658-5187; 820-658-6860; 820-660-5779; 821-657-4246 and 9537; 821-658-1520, 5331, 5444, 7658 and 9684; 821-659-0540 and 3755; 822-651-1677 and 8107; 822-656-4298; 822-658-1306; 822-659-1607 and 3217; 823-654-1524; 823-655-8513; 823-656-8564; 823-658-0538; 824-652-9603; 824-654-0075; 824-655-5551; 824-658-6649; and 825-653-9567.

Mr. John Easter, the applicant's representative, requested deferral of Case 07SN0383 to the October 16, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to defer Case 07SN0383 to the October 16, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0386:** In Bermuda Magisterial District, **BROAD STREET PARTNERS COMMERCIAL LLP** requested deferral to October 16, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A), Community Business (C-3), General Business (C-5) and Residential (R-7) to Community Business (C-3) with Conditional Use to permit multifamily uses plus Conditional Use Planned Development to permit light industrial uses and exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial and residential use of 7.01 to 10.0 units per acre and under certain circumstances more intense uses such as high density residential, commercial and industrial uses. This request lies on 190.8 acres fronting approximately 1,340 feet in two (2) places on the east line of Jefferson Davis Highway north of Redwater Ridge Road approximately 1,000 feet on the south line of Osborne Road and approximately 1,820 feet on the west line of I-95. Tax IDs 798-656-4174, 7198 and 8099; 798-657-0830, 3703 and 5657; 799-655-4194; 799-656-0212; 799-657-3802; 800-656-5991; 800-658-9359; and 799-658-Part of 6575.

Mr. John V. Cogbill, III, the applicant's representative, requested deferral of Case 07SN0386 to the October 16, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to defer Case 07SN0386 to the October 16, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**08SN0105:** In Clover Hill Magisterial District, **STYLECRAFT HOMES DEVELOPMENT CORP.** requested deferral to November 20, 2007, for consideration of rezoning and amendment of zoning district map from Neighborhood Business (C-2) and Community Business (C-3) to Community Business (C-3) with Conditional Use to permit multifamily and townhouse uses on 15.5 acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements on the entire 20.6 acres. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial and light industrial uses. This request fronts approximately 740 feet on the south line of Midlothian Turnpike approximately 150 feet west of Tuxford Road. Tax ID 751-706-3789.

Mr. Larry Horton, the applicant's representative, requested deferral of Case 08SN0105 to the November 20, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to defer Case 08SN0105 to the November 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**08SN0106:** In Midlothian Magisterial District, **HAMID M. GHORASHI AND DIANNA M. WATERS** requested deferral to November 20, 2007, for consideration of rezoning and amendment of zoning district map from Residential (R-7) to Convenience Business (C-1) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendments will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village fringe area uses. This request lies on 1.3 acres fronting approximately 80 feet on the north line of Midlothian Turnpike approximately 360 feet west of Village Mill Drive. Tax ID 727-708-7371.

Mr. Hamid Ghorashi, one of the applicants, requested deferral of Case 08SN0106 to the November 20, 2007, Planning Commission public hearing.

Mr. Gecker opened the discussion for public comment.

Mr. Gordon Meyer, a Midlothian District resident, supported deferral of the request.

There being no one else to speak, Mr. Gecker closed the public comment.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 08SN0106 to the November 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**03SN0203:** In Bermuda Magisterial District, **ROLLING RIDGE LLC** requested deferral to November 20, 2007, for consideration of rezoning and amendment of zoning district map from Light Industrial (I-1) and Residential (R-7) to Multifamily Residential (R-MF) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to ten (10) units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre with high density residential, community-scale commercial or corporate office uses appropriate under certain circumstances. This request lies on 40.2 acres fronting approximately seventy-five (75) feet on the north line of Rio Vista Street approximately 350 feet east of Jefferson Davis Highway, also fronting approximately 1,800 feet on the south line of Route 288 approximately 350 feet east of Jefferson Davis Highway. Tax IDs 797-661-5231 and 798-661-2276.

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 03SN0203 to the November 20, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to defer Case 03SN0203 to the November 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**06SN0156:** (Amended) In Dale Magisterial District, **G. H. COGBILL LIMITED COMPANY** requested deferral to the regularly scheduled February 2008 meeting for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 23.5 acres fronting approximately 290 feet on the south line of Iron Bridge Road approximately 1,000 feet west of Beach Road. Tax IDs 769-661-Part of 5744 and 769-662-7415.

Mr. John V. Cogbill, III, the applicant's representative, requested deferral of Case 06SN0156 to the February 2008 regularly scheduled Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 06SN0156 to the February 2008 regularly scheduled Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**06SN0313:** In Midlothian Magisterial District, **LAUCKLAND HOMES LLC** requested deferral to the regularly scheduled March 2008 meeting for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 dwelling units per acre. This request lies on 6.2 acres fronting approximately 1,100 feet on both sides of Tacony Drive, also fronting approximately 250 feet on the south line of Elkhardt Road and located at the intersection of these roads. Tax ID 767-700-1223.

No one was present to represent Case 06SN0313; however, Mr. Turner stated the applicant had submitted written documentation requesting deferral to the March 2008 regularly scheduled Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 06SN0313 to the March 2008 regularly scheduled Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0180:** In Bermuda Magisterial District, **PAGE DEVELOPMENT CO.** requested deferral to the regularly scheduled June 2008 meeting for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This request lies on 18.3 acres lying approximately 490 feet off the south line of Treely Road approximately 180 feet east of Eves Lane. Tax ID 791-637-Part of 7209.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 07SN0180 to the June 2008 regularly scheduled Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to defer Case 07SN0180 to the June 2008 regularly scheduled Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0241:** In Dale Magisterial District, **ROWE ASSOCIATES LTD.** requested deferral to the regularly scheduled March 2008 meeting for consideration of amendment to Conditional Use Planned Development (Case 84S059) and amendment of zoning district map relative to buffer requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies in a Residential (R-9) District on 1.0 acre fronting approximately 400 feet on the north line of Cogbill Road,

also fronting approximately 150 feet on the west line of Ironstone Drive and located in the northwest quadrant of the intersection of these roads. Tax IDs 772-681-3493 and 4595; and 772-682-6002.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 07SN0241 to the March 2008 regularly scheduled Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 07SN0241 to the March 2008 regularly scheduled Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0354:** (Amended) In Midlothian Magisterial District, **NEW CINGULAR WIRELESS PCS, LLC** requested deferral to October 16, 2007, for consideration of Conditional Use and amendment of zoning district map to permit a communications tower in a Residential (R-40) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of one (1) dwelling per acre or less. This request lies on 9.7 acres fronting approximately twenty-two (22) feet on the west line of James River Road approximately 780 feet south of Riverton Ridge Drive. Tax ID 728-725-Part of 6105.

Mr. Brennen Keene, the applicant's representative, requested deferral of Case 07SN0354 to the October 16, 2007, Planning Commission public hearing.

There was no opposition to the deferral; however, Mr. Bill Fivek, an adjacent property owner, requested clarification relative to the date of the October 2007 Planning Commission meeting.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 07SN0354 to the October 16, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **REQUESTS FOR DEFERRALS BY STAFF.**

**08SN0111:** In Bermuda Magisterial District, **TWIN RIVERS LLC** requested deferral to October 16, 2007, for consideration of rezoning and amendment of zoning district map from General Industrial (I-2) to General Business (C-5) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 69.9 acres located in the southwest quadrant of Meadowville and North Enon Church Roads. Tax IDs 823-659-3856, 6573 and 9483; 823-660-4049; and 824-659-2386, 5689 and 8890.

Ms. Carrie Coyner, the applicant's representative, requested deferral of Case 08SN0111 to the October 16, 2007, Planning Commission public hearing.



There was no opposition to the request deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to defer Case 08SN0111 to the October 16, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0223:** (Amended) In Matoaca and Midlothian Magisterial Districts, **GBS HOLDING, LTD.** requested rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Community Business (C-3) of 211 acres with Conditional Use to permit multifamily and townhouse uses and rezoning from Agricultural (A) and Light Industrial (I-1) to Residential Townhouse (R-TH) of 1,183.9 acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements on the entire 1,394.9 acre tract. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional employment center use, office/residential mixed use and residential use of 2.0 units per acre or less. This request lies on 1,394.9 acres fronting the east and west lines of Old Hundred Road at the Norfolk Southern Railroad; the north line of Old Hundred Road east of Otterdale Road; and the east and west lines of Otterdale Road north of Old Hundred Road. Tax IDs 707-700-7988; 708-702-1722; 709-701-7328; 710-700-7596; 710-703-3345; 711-699-3470; 711-700-1144; 711-701-5180; 712-699-7663; 713-703-4194; 713-704-3412; 713-705-5709; 714-703-2188 & 7259; 714-704-1729; 714-705-5728; 716-701-4130; 718-697-4548 & 6844; 718-699-7719; 719-697-8012; 719-698-2822; 720-695-3288 & 9506; 720-698-0178; 720-700-0007; 721-695-9061; 722-697-0512; 722-700-4002.

Mr. Dave Anderson, the applicant's representative, accepted staff's recommendation for deferral of Case 07SN0223 to the October 16, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 07SN0223 to the October 16, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0375:** In Bermuda Magisterial District, **IRONBRIDGE CORNER, L.C.** requested rezoning and amendment of zoning district map from Neighborhood Business (C-2) to Community Business (C-3) with Conditional Use to permit multifamily residential uses plus Conditional Use Planned Development to permit light industrial uses and exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 23.0 acres located in the northeast quadrant of the intersection of Ironbridge Parkway and Iron Bridge Road. Tax ID 774-656-6361.

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation for deferral of Case 07SN0375 to the October 16, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Wilson's request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission, on their own motion, resolved to defer Case 07SN0375 to the October 16, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **REQUESTS FOR DEFERRALS BY INDIVIDUAL PLANNING COMMISSIONERS.**

**08SN0107:** In Matoaca Magisterial District, **PRISTINE DEVELOPMENT LLC** requested rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-9) to Residential (R-12) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.01-2.5 units per acre. This request lies on 71.5 acres lying approximately 2,070 feet off the south line of Woodpecker Road measured at its intersection with Lakeview Road. Tax IDs 789-619-4223 and 790-618-0133.

Mr. John Easter, the applicant's representative, accepted deferral of Case 08SN0107 by Mr. Bass; however, he stated there were no further issues involving this request that he felt could be resolved and asked that the Commission consider a thirty (30) day versus sixty (60) day deferral.

There was no opposition to the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 08SN0107 to the November 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0333:** In Midlothian Magisterial District, **CHESTERFIELD COUNTY BOARD OF SUPERVISORS** requested rezoning and amendment of zoning district map from Residential (R-7), Neighborhood Business (C-2), Community Business (C-3), Regional Business (C-4) and General Business (C-5) to Regional Business (C-4) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies on 83 acres located in the southwest quadrant of Midlothian Turnpike and Chippenham Parkway, also fronting on the north line of Cloverleaf Drive and the northern terminus of Starview Lane. Tax IDs 764-705-3864, 6668 and 8227; 764-706-3159-00001 and 00002 and 8861-00001 and 00002; 764-707-6112-00001 and 00002; 765-704-2693; 765-705-4651, 5781, 7651 and 7962; 765-706-1010-00001 and 00002, 4170, 6964, 8068 and 8842; and 765-707-6600.

Mr. Tom Jacobson, agent for the request, accepted deferral of Case 07SN0333 by Mr. Gecker to the October 16, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 07SN0333 to the October 16, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**05SN0239:** (Amended) In Clover Hill Magisterial District, **THE CHEATHAM FAMILY LIMITED PARTNERSHIP** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use uses. This request lies on 63.5 acres fronting approximately 550 feet on the north line of Hull Street Road, also fronting approximately 2,400 feet on the west line of Route 288 and located in the northwest quadrant of the intersection of these roads. Tax IDs 733-680-Part of 9439; 734-678-2276; and 734-681-0526 and 3904.

Mr. Andy Scherzer, the applicant's representative, accepted deferral of Case 05SN0239 by Mr. Gulley to the October 16, 2007, Planning Commission public hearing.

Mr. Gecker opened the discussion for public comment.

Ms. Andrea Epps, a County resident and member of the Brandermill Board of Directors, supported the deferral, asking that the Virginia Department of Transportation (VDOT) be requested to study the area and make recommendations for road construction and/or road improvements and that mixed uses that complied with the area *Plan* be proffered.

There being no one else to speak, Mr. Gecker closed the public comment.

The following motion was made at Mr. Gulley's request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission, on their own motion, resolved to defer Case 05SN0239 to the October 16, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

**07SN0379:** In Matoaca Magisterial District, **WINDSWEPT DEV., LLC AND WESTERLEIGH, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) of 1.7 acres plus Conditional Use to permit recreation facilities on this parcel and an adjacent 0.5 acre parcel zoned Residential (R-12). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 2.2 acres lying at the western terminus of Broadmoore Road. Tax IDs 707-682-Part of 6721 and 708-682-3558.

Mr. Bob Schaeffer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 07SN0379 and acceptance of the following proffered conditions:

### PROFFERED CONDITIONS

The Owners for themselves and their successors or assigns (the "Developer") in this conditional use permit and zoning case, pursuant to the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, proffer that the use of property with Chesterfield County Tax Identification Number 708-682-3558-00000 (Parcel A, currently zoned "A"), and a part of property with Chesterfield County Tax Identification Number 707-682-6721-00000 (Parcel B currently zoned "R-12") will be in accordance with the following conditions if, and only if, the rezoning request to R-12 with the conditional use (CU) to allow recreation facilities serving the surrounding community of Westerleigh on Parcel A and the same conditional use for Parcel B is granted. In the event the request is denied or approved with conditions not agreed to by the Owner, the proffers and conditions shall immediately be null and void and of no further force or effect.

1. Utilities: The public wastewater systems shall be used. (U)
2. Timbering: Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved erosion devices have been installed. (EE)
3. Buffers: A fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed public roads. A forty (40) foot buffer shall be provided along the perimeter of playground areas except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers and shall be inclusive of required setbacks. (P)
4. Recreational Uses: Active and passive recreation areas shall be provided on the property defined in this application.
  - A. The following setback criteria shall apply to outdoor play fields, courts, swimming pools and similar active recreational areas
    - (i) With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, all active play fields, courts, swimming pools or similar active recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of seventy-five (75) feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road. Nothing herein shall prevent the development of indoor facilities and/or parking within this setback.

- (ii) Any playground areas (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be set back a minimum of forty (40) feet from any proposed or existing single family residential lot line and from any existing or proposed public road.
- (iii) Outside public address systems or speakers shall not be used between the hours of 11:00 p.m. and 8:00 a.m. and shall only be used in conjunction with a swimming pool. (P)

5. Uses on Parcel A shall be limited to community recreational facilities. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0381:** In Matoaca Magisterial District, **VIRGINIA MAZZA** requested amendment to Conditional Use (Case 90SN0225) and amendment of zoning district map to permit the transfer of operating rights for a swimming pool contractor sales and storage business. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1 unit per acre or less. This request lies in an Agricultural (A) District on 10.0 acres lying approximately 700 feet off the east line of Little Road measured from a point approximately 1,800 feet north of Pickhurst Court. Tax ID 775-614-Part of 8471.

Mr. John Mazza, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 07SN0381 and acceptance of the following proffered condition:

PROFFERED CONDITION

This Conditional Use shall be granted to and for Virginia Mazza, John V. Mazza, Jr., Victoria Mazza Parks and their immediate family members, exclusively, and shall not be transferable nor run with the land. Immediate family members are defined as any person who is a natural or legally defined offspring, spouse or grandchild of Virginia Mazza, John V. Mazza, Jr. or Victoria Mazza Parks. (P)

(NOTE: This Condition supercedes Condition 1 of Case 90SN0225. All other conditions of Case 90SN0225 remain in effect.)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**08SN0104:** In Dale Magisterial District, **OAK GROVE BAPTIST CHURCH** requested Conditional Use and amendment of zoning district map to permit a private school in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 dwelling units per acre. This request lies on 5.3 acres fronting approximately 600 feet on the south line of Beulah Road approximately 450 feet east of Meadowburn Drive. Tax IDs 784-680-5166 and 7084.

Pastor Andrew Rist, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 08SN0104, subject to the following conditions and acceptance of the following proffered conditions:

#### CONDITIONS

1. The operation of the private school use shall be in conjunction with a church use on the property. (P)
2. Except where the requirements of the underlying Agricultural (A) zoning are more restrictive, any new development for the school use shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) uses in Emerging Growth Areas. (P)
3. The following setback criteria shall apply to any outdoor play fields, courts, swimming pools and similar active recreational areas:
  - a. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, all active play fields, courts, swimming pools or similar active recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of 100 feet from adjacent properties. Within this setback, existing vegetation shall be supplemented, where necessary, with landscaping or other devices designed to achieve the standards for fifty (50) buffers in the Zoning Ordinance.
  - b. If active play fields, courts, swimming pools and similar active recreational areas are set back more than 100 feet from the adjacent properties, the landscaping or other design features described in Condition 3.a may be modified by the Planning Department at the time of site plan review. Such modification shall accomplish mitigation of the visual and noise impacts that sports or related activities have on adjacent properties equivalent to the 100 foot setback/landscaping requirements described in Condition 3.a.
  - c. Any playground areas (swings, jungle gyms or similar such facilities) shall be set back a minimum of forty (40) feet from all property lines. (P)

#### PROFFERED CONDITIONS

1. Prior to any site plan approval or within ninety (90) days of approval of this request, whichever occurs first, thirty-five (35) feet of right of way from center line of Beulah Road along the south side of Beulah Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
2. Direct vehicular access from the property to Beulah Road shall be limited to two (2) entrance/exits. The exact location of these entrance/exits shall be approved by the Transportation Department. (T)
3. Any private school uses shall not be open to the public before 9:00am and/or after 4:00pm. (T)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**08SN0108:** In Matoaca Magisterial District, **DEBONAIR ACRES, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88). Residential use of up to 0.5 unit per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 23.9 acres fronting approximately 490 feet on the south line of Graves Road approximately 3,270 feet southwest of Hickory Road. Tax IDs 767-619-5626 and 7931.

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 08SN0108 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

The Contract Purchaser-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax Ids 767-619-5626 and 767-619-7931, subject to the following conditions if, and only if, the rezoning requests for R-88 as set forth in the above heading and the application filed herein is granted. In the event the request is denied or approved with conditions not agreed to by the Contract Purchaser-Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved erosion devices have been installed. (EE)
2. Utilities: The property shall be incorporated within the Overall Water System Plan as stated in Proffered Condition 2 of Zoning Case 07SN0342 to insure the uniformity of the utility conditions for all of the properties. (U)
3. Cash Proffer. The applicant, subdivider, or assignee(s) (the "Applicant") shall pay the following to the County of Chesterfield prior to the issuance of a building permit for each dwelling unit for infrastructure improvements within the service district for the property:
  - a. \$15,600 per dwelling unit if paid prior to July 1, 2007. At the time of payment, the \$15,600 will be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations; or
  - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit prorated as set forth above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.
  - c. If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements (the "Improvements"), then the transportation component in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements so long as the cost is of equal or greater value than that which would have been collected through the payment(s) of the road component of the cash proffer

as determined by the Transportation Department. Once the sum total amount of the cash proffer credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the Applicant shall commence paying the cash proffer as set forth in this Proffered Condition as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for the Improvements and any credit amount.

- d. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

4. Dedication.

In conjunction with recordation of the initial subdivision plat, prior to any site plan approval or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first, thirty-five (35) feet of right-of-way on the south side of Graves Road, measured from the centerline of that part of Graves Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

- 5. Vehicular Access. Direct vehicular access from the property to Graves Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)

6. Road Improvements.

The developer shall provide the following road improvements with initial development of the property:

- A) Construct additional pavement along Graves Road at the approved access to provide left and right turn lanes.
- B) Dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the road improvements identified in this Proffered Condition. In the event the developer is unable to acquire the "off-site" right-of-way necessary for these road improvements, the developer may request, in writing, the county to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the county chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and shall only provide the road improvements that can be accommodated within available right-of-way, as determined by the Transportation Department. (T)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**08PD0134:** In Matoaca Magisterial District, **NEW CINGULAR WIRELESS PCS, LLC** requested Substantial Accord Determination and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use on 1-5 acre lots, suited to R-88 zoning. This request lies on 0.2 acre fronting approximately 20 feet on the



north line of Spring Run Road approximately 950 feet west of Raven Wing Drive. Tax IDs 737-663-Part of 8598 and 738-664-Part of 1115.

Mr. Brennen Keene, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission found Case 08PD0134 for a proposed public facility (communications tower) to be in Substantial Accord with the Comprehensive Plan.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

The Commission recessed at 6:39 p. m. and reconvened at 7:00 p. m.

◆ **CODE AMENDMENTS RELATING TO:**  
◆ **PENALTIES FOR VIOLATIONS OF THE ZONING CODE RELATING TO THE  
NUMBER OF UNRELATED PERSONS IN A SINGLE FAMILY DWELLING.**

◆ ◆ ◆  
An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-5 relating to Enforcement of Zoning Code Violations.

The proposed amendment would increase the penalty that can be imposed for violations of the zoning code relating to the number of unrelated persons in a single family dwelling so that the maximum fine that can be imposed for a first violation increases from \$1,000 to \$2,000 and the maximum fine that can be imposed for successive violations increases from \$1,500 to \$2,500.

◆ ◆ ◆  
Mr. Robinson presented an overview of the proposed Code Amendment and staff's recommendation.

Mr. Litton left the meeting.

No one came forward to speak in favor of, or in opposition to, the proposal.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Section 19-5 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:*

**Sec. 19-5. Enforcement.**

- (a) (1) *General enforcement duties of director of planning.* The director of planning shall enforce this chapter and he shall have the full cooperation of all other county officials in the enforcement of this chapter. Before granting a permit to construct, alter or use any building, structure or premises that may be affected by this chapter, the building official, upon receipt of an application for such permit, shall submit the application to the director who shall certify that the proposed construction, alteration or use of the building, structure or premises is or is not in violation of this chapter. If such proposed use, building or

structure is in conflict with this chapter (including zoning or development approval), the building official shall refuse to issue a building or occupancy permit.

- (2) *Enforcement of conditions.* The director of planning shall administer and enforce conditions attached to zoning approvals, development approvals and substantial accord approvals for which a public hearing does not occur and he shall have the authority to: issue a written order to remedy any noncompliance with a condition; bring legal action, including injunction, abatement or other appropriate action, to insure compliance with such conditions; and require a guarantee, in a form satisfactory to the county attorney, and in an amount sufficient for and conditioned upon the construction of any physical improvements required by the condition, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the county, upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required occupancy or building permits.

(b) *Penalties for violation; right of entry.*

- (1) Any person who violates this chapter or fails to comply with any conditions of zoning and development approvals and substantial accord approvals for which a public hearing does not occur, other than those provisions set forth in section 19-6, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than \$10.00 and not more than \$1,000.00.

- (2) Any person who violates an ordinance regarding the number of unrelated persons in a single family dwelling shall be punishable by a fine of up to \$2,000.

- ~~(2)~~(3)(a) For violations under (b)(1) above, if the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10.00 nor more than \$1,000.00, and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of not less than \$100.00 nor more than \$1,500.00.

- (b) For violations under (b)(2) above, if the violation is uncorrected at the time of conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance within a time period established by the court. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$2,000 and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period, punishable by a fine of up to \$2,500.

- ~~(3)~~(4) In addition to the requirements and penalties specified above, the director of planning may invoke any other lawful procedure available to the county, such as injunction or abatement, as may be necessary to prevent, restrain, correct or abate any violation of this chapter.

- ~~(4)~~(5) The director of planning or his agents may enter upon or search any real estate or improvements thereon only after first obtaining a valid search warrant unless either:

- a. The entry or search is made after the property owner's knowing and intelligent consent;

- b. A violation of this chapter is in plain view; or
  - c. A violation of this chapter occurs in the presence of the director.
- (5)(6) If the director of planning determines that any person has violated this chapter or failed to comply with any condition of a zoning or development approval or of a substantial accord approval for which a public hearing does not occur, then he shall serve upon that person a notice to comply by either:
- a. Delivering the notice to the person by hand; or
  - b. Mailing the notice by first class mail to the last known address of the person.

The notice shall set forth the nature of the violation or failure to comply. Upon failure of the person to remedy the violation, comply with the condition or receive an extension within ten days after the date of delivery or mailing of the notice, the person shall be subject to the penalties set forth above. With respect to violations or failures to comply involving portable signs or the parking or display of motor vehicles, the person shall remedy the violation or comply with the condition within 24 hours of service of the notice or receive an extension, or the person shall be subject to the penalties above.

(2) *That this ordinance become effective immediately upon adoption. (2723:76074.1)*

AYES: Messrs. Gecker, Gulley, Wilson and Bass.  
 ABSENT: Mr. Litton.

◆ **OPERATION OF MOTORCYCLES, ATVS AND GO-CARTS ON AGRICULTURAL AND RESIDENTIAL PROPERTY.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-65 and 19-124 relating to Uses Permitted with Certain Restrictions in Residential and Agricultural Districts. The proposed amendment would 1) permit the operation of motorcycles, go-carts or all-terrain vehicles on agriculturally and residentially zoned property; 2) prohibit the creation of a track or path for the vehicles on residentially zoned property; 3) restrict tracks and paths on agriculturally zoned property to no closer than 1,000 feet to residentially zoned property; 4) prohibit physical improvements such as lights, grading pavement and grandstands for the operation of motorcycles, go-carts or all-terrain vehicles on agriculturally or residentially zoned property.

◆ ◆ ◆

Mr. Litton returned to the meeting.

Mr. Barclay presented an overview of the proposed Code Amendment and staff's recommendation.

Mr. Gecker opened the discussion for public comment.

Mr. Perry Lynch, a County resident, supported the proposal and asked that consideration be given to banning the riding of such vehicles on all property.

Mr. Tom Tinnell, a resident of Centralia, supported the proposal with the exception of the language restricting tracks and paths on agriculturally zoned property to no closer than 1,000 feet to residentially zoned property. He asked that more specific language be provided defining the term "path" and that

consideration be given to protecting the rights of law-abiding citizens who use these types of vehicles but do not violate the rules/laws.

Ms. Betty Jane Hagen, a County resident, endorsed the 1,000 foot limitation, noting she felt it was adequate to minimize dust, excessive noise and light intrusion generated by such vehicles but asked that consideration be given to re-crafting the language to protect the rights of frequent riders.

There being no one else to speak, Mr. Gecker closed the public comment.

There was discussion relative to the intent of the language in the proposal; enforcement; the 1,000 foot limitation of tracks and paths on agriculturally zoned property adjacent to residentially zoned property; and other concerns.

Mr. Litton expressed concerns regarding the 1,000 foot restriction as applicable to agriculturally zoned property, noting he could support the proposal if the amendment required obtaining a Conditional Use permit to create a track.

Mr. Gecker suggested the word "improved" be added immediately before the word "path" in both Sections 19-65 and 19-124.

Mr. Wilson stated he felt the proposed amendment provided some protection against the negative impacts of such uses and warranted a recommendation for approval.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Sections 19-65 and 19-124 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:*

**Sec. 19-65. Uses permitted with certain restrictions.**

The following uses shall be permitted in the R-88 District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

- (a) Model homes, provided that:
  - (1) In addition to its permanent use as a dwelling, such home may be used as a temporary real estate office.
  - (2) The temporary real estate office is only used to market the development in which the dwelling is located and is not used for the sale of lots or houses outside of the platted subdivision in which it is located.
  - (3) The temporary real estate office is incidental to construction activity taking place in the development.
  - (4) The dwelling is not the primary real estate office for the company marketing the subdivision.
  - (5) The dwelling is not used as a construction office or for the storage of construction equipment and/or materials.

(b) Family day-care homes, provided that no more than five children exclusive of the provider's own children and any children who reside in the home receive care at any one time during a 24-hour day.

(c) Yard sales, provided that the sale:

- (1) Is accessory to a principal use on the same property.
- (2) Does not exceed two days in duration.
- (3) Is conducted by the owner or lessee of the property on which it occurs and includes only personal property owned by the seller and usual to a household.
- (4) Does not occur on the same property more than four times in any one calendar year and not more than twice within a 30-day period.

(d) Communications towers, provided that:

- (1) Antennae are co-located on electric transmission structures.
- (2) Antennae are a flush-mount design and do not exceed a height of 20 feet above the height of the electric transmission structure and such height does not exceed the limitations of sections 19-507 and 19-507.2.
- (3) Antennae shall be gray or another neutral color acceptable to the planning department.
- (4) Any building or mechanical equipment shall comply with Emerging Growth Area Development Standards relative to architectural treatment and screening of mechanical equipment.
- (5) At such time as the antennae ceases to be used for communications purposes for a period exceeding 12 consecutive months, such antennae shall be dismantled and it and all associated equipment removed from the property.

(e) Home occupation, provided that:

- (1) No employees shall be permitted to work on the premises other than family member employees that live on the premises,
- (2) The use is within a dwelling, accessory structure or both provided that the total area for the use does not exceed 25 percent of the floor of the dwelling or 250 square feet, whichever is greater,
- (3) The use is clearly incidental and secondary to the use of the property for dwelling purposes and no external alterations, which would cause the premises to differ from its residential character by the use of colors, materials, lighting, or construction, are permitted,
- (4) No commodity is stored or sold on the premises except for light inventory,
- (5) No more than one vehicle and one single axle trailer not exceeding 13 feet in length and 3,200 pounds used in conjunction with the home occupation may be parked on the premises. No equipment shall be stored outside the dwelling or accessory structure that would indicate that a business is being conducted on site except for equipment stored on the vehicle or trailer used in conjunction with the business. The vehicle and equipment for a home occupation shall be parked on the premises where the home occupation is conducted, but a trailer must be parked, except for loading or unloading, either in the rear yard or so that its view is screened from adjacent properties or public roads, and

- (6) No assembly or group instruction shall be permitted with a home occupation. Individual instruction on a one to one basis is permitted. Only two clients may be on the property at any one time.

(f) Parking and storage of any commercial truck, commercial vehicle or public service vehicle provided that no such vehicle shall exceed 10,000 pounds, have more than two axles, or be a commercial vehicle which tows or hauls disabled, wrecked or junked vehicles. The restrictions in this subsection shall not apply to (i) trucks or vehicles on the premises while loading or unloading; or (ii) trucks or vehicles parked on a farm where the parking is incidental to the farming use being conducted on the property.

(g) Motorcycle, go-cart, all-terrain vehicle or similar type vehicle operation, provided as follows:

- (1) the operation of the vehicle is not on an improved track or "improved" path; and
- (2) no physical improvements are provided related to the operation of the vehicle including lights, pavement, grading, grandstand or other improvements.

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#### **Sec. 19-124. Uses permitted with certain restrictions.**

The following uses shall be permitted in the A District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

(a) Access to any land located in an office, business or industrial district or used for an office, business or industrial purpose, provided that the property is designated for office, business or industrial use on the comprehensive plan.

(b) Family day-care homes provided that no more than five children exclusive of the provider's own children and children who reside in the home receive care at any one time during a 24-hour day.

(c) Stock or dairy farms, including all buildings and structures necessary to such use and the keeping, storage or operation of any vehicle or machinery necessary to such use, provided that the lot or parcel has at least three acres.

(d) Communications towers, provided that:

(1) Antennae are co-located on electric transmission structures.

(2) Antennae are a flush-mount design and do not exceed a height of 20 feet above the height of the electric transmission structure and such height does not exceed the limitations of sections 19-507 and 19-507.2.

(3) Antennae shall be gray or another neutral color acceptable to the planning department.

(4) Any building or mechanical equipment shall comply with Emerging Growth Area Development Standards relative to architectural treatment and screening of mechanical equipment.

(5) At such time as the antennae ceases to be used for communications purposes for a period exceeding 12 consecutive months, such antennae shall be dismantled and it and all associated equipment removed from the property.

(e) Home occupation, provided that:

- (1) No employees shall be permitted to work on the premises other than family member employees that live on the premises,
- (2) The use is within a dwelling, accessory structure or both provided that the total area for the use does not exceed 25 percent of the floor of the dwelling or 250 square feet, whichever is greater,
- (3) The use is clearly incidental and secondary to the use of the property for dwelling purposes and no external alterations, which would cause the premises to differ from its residential character by the use of colors, materials, lighting, or construction, are permitted,
- (4) No commodity is stored or sold on the premises except for light inventory,
- (5) No more than one vehicle and one single axle trailer not exceeding 13 feet in length and 3,200 pounds used in conjunction with the home occupation may be parked on the premises. No equipment shall be stored outside the dwelling or accessory structure that would indicate that a business is being conducted on site except for equipment stored on the vehicle or trailer used in conjunction with the business. The vehicle and equipment for a home occupation shall be parked on the premises where the home occupation is conducted, but a trailer must be parked, except for loading or unloading, either in the rear yard or so that its view is screened from adjacent properties or public roads, and
- (6) No assembly or group instruction shall be permitted with a home occupation. Individual instruction on a one to one basis is permitted. Only two clients may be on the property at any one time.

(f) Motorcycle, go-cart, all-terrain vehicle or similar type vehicle operation, provided as follows:

- (1) the operation of the vehicle is not on an improved track or "improved" path located within 1000 feet of residentially zoned property; and
- (2) no physical improvements are provided related to the operation of the vehicle including lights, pavement, grading, grandstand or other improvements.

(2) *That this ordinance become effective immediately upon adoption.* (2723:75569.1; Revised 07/12/07 @ 12:58 p.m.)

AYES: Messrs. Gecker, Gulley, Wilson and Bass.  
NAYS: Mr. Litton.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

**07SN0378:** In Matoaca Magisterial District, **DONALD M. AND SUZANNE C. RUDD** requested rezoning and amendment of zoning district map from Agricultural (A) to Neighborhood Business (C-2) of 2.8 acres plus proffered conditions on an existing zoned Community Business (C-3) 1.2 acre tract. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood scale shopping center uses. This request lies on 4.0 acres located in the northeast quadrant of the intersection of Beach and Winterpock Roads. Tax ID 721-656-4435.

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the proposal failed to conform to the *Southern and Western Area Plan*; the applicant was unwilling to limit uses on the currently zoned C-3 portion of the request; the design recommendations of the *Plan* had not been addressed; and that, although the applicant had withdrawn Proffered Condition 1 thereby addressing the Utilities Department's concerns and submitted an additional proffer prohibiting direct vehicular access to Beach Road and limiting direct vehicular access to Winterpock Road to one (1) access, transportation concerns relative to right-of-way dedication and access to Winterpock Road being limited to right turns in and right turns out only, had not been addressed. He stated for these reasons, staff continued to recommend denial of the request.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation; distributed a rendering depicting the proposed layout of the property; explained the applicant's plan for developing the site; stated he was not aware of opposition to the proposal; and addressed concerns relative to the feasibility of widening Winterpock Road, and architectural design compatibility. He stated the applicant had met the spirit and intent of the area *Plan* and with the proffers offered, felt the proposal merited a recommendation for approval.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Bass stated the proposal did not conform to the *Southern and Western Area Plan*, the design features were not compatible or consistent with those of the existing Crump Store or that of the nearby historic buildings to ensure visual compatibility and appropriately reflect the community history and culture; and he could not support the request at this time.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend denial of Case 07SN0378.

AYES: Messrs. Gecker, Gulley and Bass.  
ABSTENTIONS: Messrs. Wilson and Litton.

**07SN0157:** (Amended) In Matoaca Magisterial District, **OTTERDALE VENTURE, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) and General Business (C-5) to Community Business (C-3) of 107 acres with Conditional Use to permit multifamily residential use and an above-ground utility structure (water storage tank) and to Residential Townhouse (R-TH) of seventy-one (71) acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use and residential use of 2.0 units per acre or less. This request lies on 178.0 acres fronting approximately 1,500 feet on the north line of Hull Street Road, also fronting in two (2) places for a total of approximately 3,500 feet on the west line of Otterdale Road and located in the northwest quadrant of the intersection of these roads. Tax ID 710-670-5596.

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the proposed commercial and residential uses south of the creek did not conform to the *Upper Swift Creek Plan*; the proposed development densities were of a regional-scale, significantly exceeding those recommended for community-scale development; the proposed commercial uses north of the creek did not conform to the *Upper Swift Creek Plan*; and based upon the proffered conditions previously submitted on June 15, 2007, staff recommended denial. She referenced revised proffered conditions, submitted on September 5, 2007, noting staff had not had adequate time to review the revisions.



Mr. Jim Theobald, the applicant's representative, did not accept staff's recommendation, noting the property was a strategic location and provided the opportunity for road and other infrastructure improvements in the area. He stated the proposed use represented the highest and best use of the property and asked the Commission consider a favorable recommendation to the Board of Supervisors.

No one came forward to speak in favor of, or in opposition to, the request.

In response to questions from Mr. Bass, Mr. Theobald answered questions/addressed concerns relative to transportation issues, noting he hoped to resolve any outstanding issues prior to the request being considered by the Board of Supervisors.

In response to Mr. Bass' inquiry if the applicant would consider requesting a thirty (30) day deferral, Mr. Theobald declined.

Mr. Wilson stated he could not support or deny the request as he did not feel he had all the information before him and would abstain on the vote.

Mr. Gecker stated he could not ascertain how the case had arrived before the Commission under the current circumstances and felt it unreasonable to expect the Commission to make a recommendation on the matter, as presented.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend denial of Case 07SN0157.

AYES: Messrs. Gecker, Gulley and Bass.  
ABSTENTIONS: Messrs. Wilson and Litton.

**07SN0242:** (Amended) In Dale Magisterial District, **ROWE ASSOCIATES, LTD.** requested amendment of Conditional Use Planned Development (Case 84S059) and amendment of zoning district map relative to setback requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies in a Residential (R-9) District on 7.0 acres fronting approximately 550 feet on the north line of Cogbill Road approximately 1,030 feet east of Ironstone Drive. Tax ID 774-682-1361.

Mr. Clay presented an overview of the request and staff's recommendation for approval.

Ms. Kristen Keatley, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 07SN0242, subject to the following condition:

CONDITION

Side yards shall comply with the requirements of the Zoning Ordinance for Residential (R-9) Districts. (P)

- (Notes:
- A. With the approval of this request, Condition 3.b. of Case 84S059 is deleted for that part of the property which is the subject of the request.
  - B. All other conditions of zoning approval for Cases 84S059 and 96SN0286 remain in affect.)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0362:** In Clover Hill Magisterial District, **MT. GILEAD FULL GOSPEL INTERNATIONAL MINISTRIES** requested Conditional Use and amendment of zoning district map to permit a computer-controlled, variable message, electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies in an Agricultural (A) District on 4.1 acres lying approximately 970 feet off the north line of Hicks Road across from Lockhart Road. Tax ID 759-694-Part of 3145.

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the proposed computer-controlled variable message electronic sign did not conform to the adopted *Electronic Message Center Policy* for such signs relative to locational criteria, lines of copy and display color limitation; and the requested exceptions to the *Policy* could set a precedent for similar requests.

Mr. Jerrod Smith, the applicant's representative, did not accept staff's recommendation, noting that the sign would be located inconspicuously and not be intrusive to adjacent properties; asked that the requested exceptions be granted to allow the church to provide spiritual messages to its members; offered a proffered condition to limit the copy to a maximum of four (4) lines and to limit the copy display color to amber, white or yellow; and asked the Commission to consider a favorable recommendation.

Mr. Gecker opened the discussion for public comment.

Mr. Jim Trent, a member of the 360 Corridor Committee and resident of Amberleigh and Mr. Kevin Henley, a resident of Bexley, opposed the request citing concerns that the proposal failed to comply with the *Policy*; that approval could set a precedent for future similar requests for other such signs in the area; and that the sign's lighting would adversely impact area residents.

Mr. Kenneth Mitchell, assistant pastor of Mt. Gilead Full Gospel International Ministries, supported the request, indicating the sign would allow the church to provide messages to the members.

Ms. Andrea Epps, a County resident, questioned who owned the property to the north of the subject property and asked that consideration be given to the manner in which the church wished to reach its members.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Gulley indicated he had attempted to reach a compromise to allow an electronic sign under certain circumstances; however, to date the applicant had been unwilling to agree to the typical design standards; restrict the timing of the message changes similar to the limitation placed on a recent approval for a county school; or to relocate the sign so as to minimize the sign's visibility from area residents.

Mr. Gecker indicated that he could support a sign subject to similar conditions as those imposed on Midlothian High School.

Mr. Gulley made a motion, seconded by Mr. Bass, to recommend denial of Case 07SN0362, noting, however, should the Board of Supervisors wish to approve the request that the proffered condition not be accepted and that the following conditions be imposed:

CONDITIONS

1. Any freestanding sign incorporating a computer-controlled variable-message electronic sign shall be located as depicted on the plan identified as "Exhibit A". (P)
2. Any computer-controlled variable-message electronic shall be subject to the following standards:
  - a. Copy shall be limited to a maximum of two (2) lines which shall not move, but may fade;
  - b. The message or display shall be programmed or sequenced to change no more than once every ten (10) seconds;
  - c. The copy display color shall either be white or yellow;
  - d. Flashing and traveling messages shall be prohibited;
  - e. Bijou lighting and animation effects shall be prohibited; and
  - f. Such sign shall not be operational nor shall the electronic sign face component be lighted between the hours of 10:00 PM and 6:00 AM. (P)
3. This Conditional Use shall be granted for a period of two (2) years from date of approval and may be renewed upon satisfactory demonstration that the sign has not adversely affected area property owners. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0365:** In Clover Hill Magisterial District, **AMBERLEIGH LLC** requested rezoning and amendment of zoning district map from Residential Townhouse (R-TH) to Residential Townhouse (RT-H) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 17.7 acres fronting approximately 770 feet on the north line of Hull Street Road at its intersection with Ladino Road. Tax IDs 751-687-3263, 6434 and 6883.

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting the proposal failed to reserve open space to provide a focal point within the residential area; failed to comply with the criteria where supportive commercial uses may be appropriate where they are integrated within a project; failed to provide an adequate transition between the residential and commercial areas; and failed adequate public road connections to address health and safety concerns of the Fire Department.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation; distributed illustrations of the proposal; addressed elements of the project including the focal point, features of the entrance, landscaping and wall, walking trails, and visual amenities; offered a proffered condition regarding tentative review which he read for the record; and asked the Commission's favorable recommendation for a project he considered to be of high architectural quality and an asset to the community.

Mr. Gecker opened the discussion for public comment.

Mr. Dick White, representing the Route 360 Corridor Committee and Mr. Jim Trent, a member of the Amberleigh Homeowners Association and resident, supported the request, noting the proposal was simply an extension of the existing Amberleigh community.

There being no one else to speak, Mr. Gecker closed the public comment.

In response to a question from Mr. Gecker, Mr. Scherzer indicated he would revise the proffer concerning access to Ladino Lane to preclude a negative impact on the future development of the property to the west prior to the request being considered by the Board of Supervisors.

Mr. Litton left the meeting.

Mr. Gulley explained the history of the original zoning, noting the project was the first planned with neo-traditional design criteria and indicated he felt the proposal was consistent with the existing development.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 07SN0365 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. Master Plan. In addition to the following conditions, the Conceptual Plan prepared by Balzer and Associates, Inc., dated May 14, 2007 and revised July 21, 2007, entitled "Amberleigh Section 4 Conceptual Plan," and the Textual Statement dated May 14, 2007 and revised August 10, 2007, shall be considered the Master Plan. (P)
2. The public water and wastewater systems shall be used. (U)
3. Cash Proffer. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
  - A. \$15,600.00 per dwelling unit, if paid prior to July 1, 2007; or
  - B. If paid after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.
  - C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.

- D. Should any impact fees be imposed by the County of Chesterfield at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)
4. Timbering Restriction. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
5. Drainage. All portions of the developed project area that drain directly or indirectly to Gregory's Pond shall not opt out of the Chesapeake Bay Act requirements. In addition, to the extent practical, drainage will be diverted away from Gregory's Pond. (EE)
6. Existing Pond. The existing pond will remain in place and upgraded, if necessary, to meet current hydraulic and structural standards. (EE)
7. Driveway Culvert. The developer proffers that the dam will be retrofitted to store and release water, or do offsite improvements or a combination of both such that the 100 year storm does not over top the driveway to GPIN #751-688-3743 or come within 5 feet horizontally of the house on GPIN #751-688-7679. (EE)
8. Office/Commercial Building Size Restriction. Other than one (1) single C-3 user (excluding any use permitted by right or with restrictions in the O-1 District) which may not exceed 60,000 gross square feet, no other individual C-3 user (excluding any use permitted by right or with restriction in the O-1 district) shall exceed 20,000 gross square feet. Individual buildings shall not exceed 15,000 gross square feet unless such building is designed to incorporate a variety of off-sets, other architectural variations or other features so as to avoid monotonous facades and bulky masses. (P&BI)
9. Recreation. The common area recreational amenities shall not include playground equipment, play fields or other facilities primarily associated with children's play. Adult facilities including, but not limited to, swimming pools, putting greens or shuffleboard shall be permitted. (P)
10. Construction Activity. Until such time as the project is fully developed and all initial occupancy permits have been granted, all exterior construction activity shall be limited to between the hours of 6:00 am and 9:00 pm. This condition shall not preclude interior construction activity once the structure is enclosed by walls and a roof. (P)
11. Driveways. All private driveways shall be hardscaped. (P)
12. Garages. All homes shall have garages. Front loaded garages shall be located no closer to the street than the front facade of the dwelling unit. (P&BI)
13. Access. There shall be no direct vehicular access or driveways from the property to Hull Street Road or Ladino Lane, except that an emergency service access may be allowed if approved by VDOT. (T&F)

14. Special Access Street. In conjunction with the recordation of the initial subdivision plat, prior to any site plan approval or within ninety (90) days of a written request by the Transportation Department, which ever comes first, a right of way through the property for a special access street ("Amberdale Drive Extended") shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location and width of this right of way shall be approved by the Transportation Department. Prior any site plan or to tentative subdivision plan approval, an Access Plan for Amberdale Drive Extended shall be submitted to and approved by the Transportation Department. (T)
15. Transportation Improvements. The Developer shall be responsible for the construction of two (2) lanes of Amberdale Drive Extended through the property and dedication of any additional right of way (or easements) required for these improvements. Prior to any site plan or construction plan approval a phasing plan for these improvements shall be submitted to and approved by the Transportation Department. (T)
16. Public Roads. All roads within the property that accommodate general traffic circulation, as determined by the Transportation Department, (not including alleys or private parking areas) shall be designed and constructed to VDOT standards and taken into the State System. (T)
17. Residential Density. The density of the residential portion of the property shall be limited to fifty (50) dwelling units. (P)
18. Screening. A brick wall that separates the commercial and residential areas shall be provided on the north side of the Special Access right of way and shall be of the same design and materials as the existing wall in Amberleigh. The exact design, location and treatment shall be approved at time of site plan and/or tentative subdivision approval. (P)
19. Tentative Review. All tentative subdivision plans shall be submitted for review and approval by the Planning Commission. (P)
20. Non Pond Drainage. The developer shall design and construct the subdivision such that water from impervious surfaces flowing towards Tax ID 751-688-3743, that are areas that do not naturally drain to the pond, shall be redirected, or detained such that it does not exceed the pre-existing rate of the 10 year storm.

AYES: Messrs. Gecker, Gulley, Wilson and Bass.

ABSENT: Mr. Litton.

**08SN0112:** In Bermuda Magisterial District, **STONE GLEN LLC** requested amendment to rezoning (Case 02SN0186) and amendment of zoning district map relative to right of way dedication on Harrowgate Road. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This request lies in a Residential (R-12) District on 143.2 acres fronting approximately 1,750 feet on the west line of Harrowgate Road across from Wellspring Road. Tax ID 791-641-1825.

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the applicant was requesting deletion of the proffered condition regarding the right-of-way dedication on

Harrowgate Road which was necessary to mitigate the impact of the proposed development and to accommodate future road improvements.

Mr. John Easter, the applicant's representative, did not accept staff's recommendation, explaining that along the western edge of Harrowgate Road was an existing Commonwealth Gas easement which contained two (2) eighteen (18) inch transmission lines, which lines would be crossed perpendicularly by two right of way accesses to Wellspring Subdivision. He stated relief from Proffered Condition 4 of Case 02SN0186 was requested because the developer was required to dedicate right of way along Harrowgate Road; the proposed right of way dedication ran longitudinally over top of the Commonwealth easement and the two 18" transmission lines; and VDOT required a quit claim from the holder of the easement in conjunction with accepting the roads into the state secondary system for maintenance and without the quit claim, the roads would not be maintained by VDOT. He further explained that in order to be assured that the utility companies would quit claim to VDOT and VDOT accept the roads, Environmental Engineering required a letter from the utility company stating that they had reviewed and approved the plans and that a quit claim at the appropriate time would be executed; however, it was Environmental Engineering's understanding from the applicant that the gas company had issues with the right of way being dedicated over top of their double eighteen (18) inch transmission lines that paralleled Harrowgate Road and had not written a letter approving the plans and guaranteeing the signing of a quit claim in the future.

Mr. Litton returned to the meeting.

In response to questions from the Commission, Mr. Easter indicated the applicant's willingness to dedicate the right of way, if permitted by Columbia Gas; that he would continue to work towards a resolution prior to the Board's Consideration of the case; and if resolved, the case could be withdrawn.

No one came forward to speak in favor of, or in opposition to, the request.

There was discussion relative to, and Mr. McCracken answered questions regarding, the recommended right-of-way width and traffic count on Harrowgate Road; capacity and level of service of the two-lane section of Harrowgate Road between Jefferson Davis Highway (Route 1/301) and Happy Hill Road; and other concerns. He stated the right-of-way was needed to assist in mitigating the impact of the proposed development and accommodate future road improvements and the Transportation Department could not support the applicant's request that the proffered condition to dedicate this right-of-way along Harrowgate Road be deleted.

Upon conclusion of the discussion, members of the Commission agreed that the applicant's alternatives were limited and supported the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 08SN0112.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**VIII. CITIZEN COMMENT ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE.**

There were no citizen comments on unscheduled matters involving the services, policies and affairs of the County government regarding planning or land use.

**IX. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Wilson, seconded by Mr. Bass, that the meeting adjourned at 9:17 p. m. to October 16, 2007, at 12:00 Noon in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

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